

K. Roger Schoeni (0004812)  
Attorney for Defendant Commercial Carriers, Inc.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DISTRICT

DAVID FERGUSON, et al., : Case No. C-1-02-039  
  
Plaintiffs, : (Judge Herman J. Weber)  
  
vs. : ANSWERS AND OBJECTIONS OF  
RYDER SYSTEM, INC., et al., : DEFENDANT COMMERCIAL CARRIERS, INC.  
Defendants. : TO DEFENDANT HANES SUPPLY, INC.'S  
 : FIRST SET OF  
 : INTERROGATORIES

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendant Commercial Carriers, Inc. ("CCI") makes the following Objections and Answers to Defendant Hanes Supply, Inc.'s First Set of Interrogatories.

GENERAL OBJECTIONS

1. CCI objects to the Instructions on the grounds that they are overly broad and unduly burdensome and to the extent they impose obligations on CCI beyond those required by the Federal Rules of Civil Procedure.
2. CCI objects to the First Set of Interrogatories to the extent that they seek information subject to the attorney-client privilege or other privilege or seek information protected by the work product doctrine.
3. CCI objects to the First Set of Interrogatories to the extent they call for information that is neither relevant to any claim or defense at issue in this case nor reasonably calculated to lead to the discovery of admissible evidence.
4. CCI objects to the First Set of Interrogatories to the extent they purport to require

CCI to seek, obtain or produce information or documents from persons or entities other than CCI or those under its immediate control.

5. CCI objects to the First Set of Interrogatories to the extent they seek information that is a matter of public record or that is otherwise as accessible to Plaintiffs as to CCI.

6. CCI objects to the First Set of Set of Interrogatories to the extent they require this Defendant to answer on behalf of other corporate entities, including those that have been dismissed from this suit.

7. Subject to the foregoing general objections and to such additional specific objections as may be set forth in response to individual interrogatories, and without waiving any such objections, CCI makes the following answers to Hanes Supply, Inc.'s First Set of Interrogatories to this Defendant.

**1. Identify all persons answering, assisting in answering, or providing information or documents used in answering these Interrogatories or Hanes' First Set of Requests for the Production of Documents.**

ANSWER: Attorneys and paralegals for Defendant have prepared these responses and have been assisted by Earl Lempke and Pete Terzian, Consultants, P.O. Box 219, South Wales, NY 14139.

**2. Identify all persons who have knowledge or information relating to the facts, circumstances, issues, allegations, and claims which are the subject of Your Second Amended Complaint, and provide a description and/or summary of the substance and extent of knowledge of information possessed by each such person.**

ANSWER: None; Defendant did not author the Second Amended Complaint. See, however, Rule 26(a)(1) Disclosures of CCI.

**3. Identify each and every document withheld from production by You in response to Hanes' First Set of Requests for the Production of Documents, and for each such**

**document identify the groups on which You withheld the document and provide sufficient information for the Court to assess Your claim of privilege.**

ANSWER: None.

4. **Identify each and every person who has had possession of the Hand Cable from the time of the Accident to the present, including who has the Hand Cable now, and the times when each such person or entity had possession of the Hand Cable.**

ANSWER: The requested information is not in this Defendant's possession. This Defendant has not had "possession" of the Hand Cable at any time from the date of the Accident to the present.

5. **State whether on Your behalf and/or at Your direction or the direction of Your counsel, any inspection, examination, testing and/or analysis of any kind has been performed on the Hand Cable. If the answer is "Yes" provide the following information:**
- (a) **the name and address and telephone number of the person or persons who performed such inspection, examination, testing and/or analysis;**
  - (b) **the type or types of inspection, examination, testing and/or analysis performed;**
  - (c) **the results of such inspection, examination, testing and/or analysis; and**
  - (d) **the names and addresses and telephone numbers of all those present during the performance of such inspection, examination, testing and/or analysis.**

ANSWER: No.

6. **Identify each and every expert witness you expect to call at time of trial, and as to each set forth in detail:**
- (a) **the subject matter upon which each expert is expected to testify;**
  - (b) **the substance of the facts and opinions to which the expert is expected to testify;**
  - (c) **a summary of the grounds for each opinion; and**
  - (d) **identify each document and/or other information reviewed or relied upon by each expert.**

ANSWER: Defendant has not determined the identity of any expert and will supplement this answer at a later date.

7. Identify the party who designed the Hand Cable.

ANSWER: The safety cables that were provided at the time of manufacture of the unit in question are a product of Hanes Supply, Inc. The overall length of the assembly was determined by CCI.

8. State whether the Trailer was repaired following the Accident and whether the Hand Cable has been replaced.

ANSWER: The requested information is not in this Defendant's possession.

**CERTIFICATION**

I, Peter J. Terzian Jr. of Commercial Carriers, Inc., hereby state that the above Answers and Objections to Plaintiffs' First Set of Interrogatories are true and accurate to the best of my knowledge.

COMMERCIAL CARRIERS, INC.

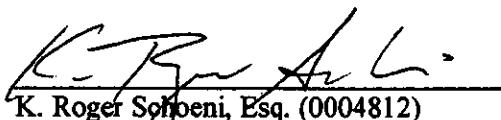
By: Peter J. Terzian Jr.  
Its: Corporate Representative

AS TO OBJECTIONS:

KOHNEN & PATTON, LLP

OF COUNSEL:

David E. Larson, Esq.  
Larson & Larson, PC  
11300 Tomahawk Creek Parkway  
Suite 310  
Leawood, Kansas 66211

  
K. Roger Schoeni, Esq. (0004812)  
Trial Counsel for Defendant Commercial  
Carriers, Inc.  
Kohnen & Patton, LLP  
1400 Carew Tower, 441 Vine Street  
Cincinnati, Ohio 45202  
Phone: (513) 381-0656

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was sent via U.S. Mail this 8 day of November, 2002 to the following:

Thomas R. Koustmer, Esq.  
1800 Federated Building  
7 West Seventh Street  
Cincinnati, Ohio 45202

Robert A. Winter, Jr.  
250 Grandview Drive, Suite 200  
Fort Mitchell, Ky 41017

Michael J. Honerlaw, Esq.  
9227 Winton Road  
Cincinnati, Ohio 45231

Craig R. Paulus, Esq.  
425 Walnut Street, Suite 1800  
Cincinnati, Ohio 45202-3957

  
K. Roger Schoeni, Esq.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

David Ferguson, et al. :  
: File No. C-1-02-039  
: Judge Herman Weber  
Plaintiffs, :  
: vs. : DEFENDANT HANES SUPPLY, INC'S  
: ANSWERS AND OBJECTIONS TO  
Ryder Automotive Carrier Services, Inc., : PLAINTIFFS' FIRST SET OF  
et al. : INTERROGATORIES  
: Defendants, :

\* \* \* \* \*

The Defendant, Hanes Supply, Inc. ("Hanes Supply") provides the following Answers and Objections to Plaintiffs' First Set of Interrogatories.

**PRELIMINARY STATEMENTS**

1. Hanes Supply reserves all objections as to competency, relevancy, materiality, privilege and admissibility as evidence for any purpose in any subsequent proceeding, or the trial of this or any other action.
2. Hanes Supply reserves the right to object to the use of these responses or the subject matter thereof in any subsequent proceeding, or in the trial of this or any other action on any grounds.
3. Hanes Supply reserves the right to object on the ground at any time to a demand for further responses to these or any other requests or other discovery procedures involving or relating to the subject matter of the requests herein responded to.

4. Hanes Supply reserves the right at any time to revise, correct, add to or clarify any of the responses propounded herein.

5. Any objection to the production of a category of documents, or any statement that a category of documents will be produced, shall not be construed as a representation that such documents exist.

#### **GENERAL OBJECTIONS**

1. Hanes Supply objects generally to the Plaintiffs' First Set of Interrogatories and Request for Production of Documents to the extent that they purport to impose obligations beyond the permissible scope of Civil Rules 26, 33 and 34, and/or are otherwise improper, and undertakes no duties beyond those specified in the Civil Rules.

2. Hanes Supply objects generally to the document requests and interrogatories to the extent that they purport to impose obligations exceeding the scope of Civil Rules 26, 33 and 34, and undertakes no duties beyond those specified in the Civil Rules.

3. Hanes Supply objects generally to the document requests and interrogatories to the extent that they call for the production of confidential information, proprietary information, or information that otherwise would constitute a trade secret of Hanes Supply or any affiliate.

4. Hanes Supply objects generally to requests for production of documents relating to persons, entities, and issues that have no connection with this action. Such documents are not relevant, and such requests are not reasonably calculated to lead to the discovery of admissible evidence.

5. Hanes Supply objects generally to requests for production of documents that have already been provided to Plaintiff in response to previous requests. Duplicative requests for

documents are unreasonable, and purport to burden Hanes Supply with abusive and unnecessary discovery demands.

6. Hanes Supply objects generally to interrogatories and document requests that call for information covered by any privilege or immunity from discovery, including, without limitation, the attorney-client privilege, the attorney work product doctrine, or any other limitation established by Civil Rule 26(b).

7. Hanes Supply objects generally to document requests and interrogatories that are premature. Hanes Supply will supplement its responses to such requests following further discovery to the extent required by Civil Rule 26.

8. Hanes Supply objects generally to interrogatories that would require lengthy narrative answers. An interrogatory may not be used as a substitute for a deposition. Hilt v. SFC, Inc., 170 F.R.D. 182, (D. Kan 1997); Penn Central Transp. Co. v. Armco Steel Corp., 271 N.E.2d 877 (Montgomery C.P. 1971).

### **INTERROGATORIES**

#### **INTERROGATORY NO. 1**

Identify all persons answering or assisting in answering, providing information or documents used in answering these Interrogatories or Ferguson's First Set of Requests For The Production to Hanes.

#### **ANSWER:**

William Hanes, with assistance of counsel, President of Hanes Supply, who may be contacted through the undersigned counsel.

INTERROGATORY NO. 2

Identify all persons who have knowledge or information relating to the facts, circumstances, issues, allegations, and claims which are the subject of the instant lawsuit and provide a description and/or summary of the substance and extent of knowledge or information possessed by each such person.

**ANSWER:**

Hanes Supply objects to this Interrogatory on the grounds that it is vague and improperly seeks a narrative response. Without waiving such objection, William Hanes and Dave Learn have information concerning the manufacture of the hand cable by Hanes Supply and its sale to Defendant Commercial Carriers, Inc., the identities of the suppliers of the raw materials used in the manufacture of the hand cable, and the safety measures employed by Hanes Supply in the manufacturing. See also the Rule 26(a) disclosures of Hanes Supply and the other parties.

INTERROGATORY NO.3

Identify each and every expert witness you expect to call at time of trial, and as to each set forth in detail:

- (a) the subject matter upon which each expert is expected to testify;
- (b) the substance of the facts and opinions to which the expert is expected to testify;
- (c) a summary of the grounds for each opinion; and
- (d) identify each document and/or other information reviewed or relied upon by each expert.

**ANSWER:**

Hanes supply has not yet retained an expert witness it expects to call at the time of trial, but agrees to supplement this Interrogatory response as required by the Court's scheduling orders.

**INTERROGATORY NO. 4**

Identify the person and/or party who designed the hand cable.

**ANSWER:**

/ Hanes Supply did not design the hand cable. Hanes Supply merely manufactured the cable in accordance with the specifications provided to it by Defendant, Commercial Carriers,

Inc/

**INTERROGATORY NO. 5**

In what year was the hand cable subject to this litigation manufactured.

**ANSWER:**

On information and belief, the hand cable which is the subject of this litigation was manufactured in 1995 or earlier.

**INTERROGATORY NO. 6**

When was the hand cable subject to this litigation first introduced into the stream of commerce.

**ANSWER:**

Hanes Supply objects to this Interrogatory on the grounds that it is vague, ambiguous, and seeks a legal opinion. Without waiving such objection, see Answer to Interrogatory No. 5.

**INTERROGATORY NO. 7**

Is this particular model of hand cable still being manufactured.

**ANSWER:**

Hanes Supply cannot directly respond to this Interrogatory on the grounds that it is unclear what the Interrogatory means by "particular model." However, in approximately 1999, Commercial Carriers changed its required specifications for hand cables, and, consequently, Hanes Supply ceased making hand cables of precisely the same design as the hand cable which is the subject of this litigation.

**INTERROGATORY NO. 8**

Were ANSI, ASME, UL or SAE safety standards used in the design of this hand cable. If so, what are the specific safety standards that were used in the design of the hand cable.

**ANSWER:**

Hanes Supply does not have any information regarding the standards used in the design of the hand cable. Hanes Supply did not design the cable.

**INTERROGATORY NO. 9**

Were any other safety standards used in the hand cable design? If so, state specifically the other safety standards that were used in the hand cable design.

**ANSWER:**

Hanes Supply does not have information regarding the safety standards used in the hand cable design. Hanes Supply did not design the hand cable.

**INTERROGATORY NO. 10**

Please describe in detail the testing that was done on the hand cable subject to the instant case.

**ANSWER:**

Concerning Hanes Supply's testing of the hand cable subject to the instant case, see the business records produced by Hanes Supply under its Rule 26(a) Disclosures. Hanes Supply does not have any information concerning the safety testing conducted by the other Defendants.

**INTERROGATORY NO. 11**

Was a risk analysis performed on the design of the hand cable which is the subject of this litigation.

**ANSWER:**

Hanes Supply objects to this Interrogatory on the grounds that the term "risk analysis" is vague and ambiguous. Without waiving this objection, Hanes Supply did not perform a risk analysis, and has no information regarding whether the other Defendants did so.

**INTERROGATORY NO. 12**

Was a preliminary hazard analysis conducted on the design of the hand cable which is the subject of this litigation.

**ANSWER:**

Hanes Supply objects to this Interrogatory on the grounds that the term "preliminary hazard analysis" is vague and ambiguous. Hanes Supply did not design the hand cable.

**INTERROGATORY NO. 13**

Were any warnings affixed to the hand cable. If so:

- (a) What is the size, location of message, content of such warning;
- (b) Have any of the warning labels been changed or have new ones been added;

(c) if any of the warning labels have been changed or if new ones have been added, please state the size, location and message contents of each warning label.

**ANSWER:**

Hanes Supply does not have any information concerning warnings that were "affixed" to the hand cable, except to note that no such warnings were affixed to the hand cable at the time it left Hanes Supply's possession.

**INTERROGATORY NO. 14**

At any time prior to the date on which Plaintiff was injured, was a recall or similar campaign initiated with regard to this particular hand cable? If so, please state the exact date on which the recall or similar campaign was initiated, the reasons for the recall or similar campaign and specific modifications specifically recommended for this hand cable.

**ANSWER:**

No.

**INTERROGATORY NO. 15**

Are there currently any lawsuits pending as a result of similar type of action involving this hand cable? If the answer to the foregoing is "yes," please state the number of lawsuits currently pending and include the total number of lawsuits which have been settled.

**ANSWER:**

No.

**INTERROGATORY NO. 16**

What other product lines does Hanes manufacture and/or sell other than this hand cable.

**ANSWER:**

Hanes Supply objects to this interrogatory on the grounds that it seeks information that is not relevant to the claim or defense of any party nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving such objection, Hanes Supply manufactures and/or sells wire ropes, nylon, chain and SlingMax slings, custom slings, buffalo slings, wire mesh, hoists, winches, fittings, grips, rings, blocks, sheaves, hooks, clips, nuts and bolts.

As to all objections:

Craig R Paulus

Craig R Paulus (88028)  
Taft, Sternius & Hollister LLP  
425 Walnut Street, Suite 1800  
Cincinnati, OH 45202-3957  
513.381.2838  
fax 513.381.0205  
Trial Attorney for Defendant  
Hanes Supply, Inc.

VERIFICATION

I, William C Hanes, hereby certify that the foregoing interrogatory answers are true and accurate to the best of my knowledge.

  
William Hanes

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing has been sent by first class mail to the following on this 14<sup>th</sup> day of November, 2002:

Thomas Ralph Koustmer  
1800 Federated Building  
7 West Seventh Street  
Cincinnati, OH 45202  
513.621.3616  
Attorney For Plaintiffs, David and Martha Ferguson

Michael J. Honerlaw  
Honerlaw and Honerlaw Co. L.P.A.  
9227 Winton Road  
Cincinnati, OH 45231  
Attorney For Plaintiffs, David and Martha Ferguson

Robert Albert Winter, Jr.  
Hemmer Spoor Pangburn DeFrank PLLC  
250 Grandview Drive  
Suite 200  
Ft. Mitchell, KY 41017  
859.344.1188  
Attorney For Defendants, Allied Systems and Allied Automotive Group

Kenneth Roger Schoeni  
Kohnen & Patton  
441 Vine Street  
Suite 1400  
Cincinnati, OH 45202  
513.381.0656  
Attorney For Defendants, Ryder Automotive Carrier Services, Inc.; Ryder System Inc.; Delavan Industries, Inc.; Ryder Automotive Operations, Inc.; Ryder Automotive Carrier Group, Inc.; and Commercial Carriers, Inc.

David E. Larson  
Larson & Larson PC  
11300 Tomahawk Creek Parkway  
Suite 310  
Leawood, KS 66211  
Attorney for Defendants, Ryder Automotive Carrier Services, Inc.; Ryder System Inc.; Delavan Industries, Inc.; Ryder Automotive Operations, Inc.; Ryder Automotive Carrier Group, Inc.; and Commercial Carriers, Inc.



K. Roger Schoeni (0004812)  
Attorney for Defendant Commercial Carriers, Inc.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DISTRICT

**DAVID FERGUSON, et al.,** : Case No. C-1-02-039  
  
Plaintiffs, : (Judge Herman J. Weber)  
  
vs.  
**RYDER SYSTEM, INC., et al.,** : **ANSWERS AND OBJECTIONS OF**  
Defendants. : **DEFENDANT COMMERCIAL CARRIERS, INC.**  
: **TO PLAINTIFFS' FIRST SET OF**  
: **INTERROGATORIES AND**  
: **REQUEST FOR PRODUCTION OF**  
: **DOCUMENTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendant Commercial Carriers, Inc. ("CCI") makes the following Objections and Answers to Plaintiff's [sic] Interrogatories Under Rule 33 and Request for Production of Documents Under Rule 30 of the Federal Rules of Civil Procedure Propounded to Commercial Carries, Inc. (the "Discovery Requests").

**GENERAL OBJECTIONS**

1. CCI objects to Plaintiffs' Instructions on the grounds that they are overly broad and unduly burdensome and to the extent they impose obligations on CCI beyond those required by the Federal Rules of Civil Procedure.
2. CCI objects to Plaintiffs' Discovery Requests to the extent that they seek information subject to the attorney-client privilege or other privilege or seek information protected by the work product doctrine.
3. CCI objects to Plaintiffs' Discovery Requests to the extent they call for

information that is neither relevant to any claim or defense at issue in this case nor reasonably calculated to lead to the discovery of admissible evidence.

4. CCI objects to Plaintiffs' Discovery Requests to the extent they purport to require CCI to seek, obtain or produce information or documents from persons or entities other than CCI or those under its immediate control.

5. CCI objects to Plaintiffs' Discovery Requests to the extent they seek information that is a matter of public record or that is otherwise as accessible to Plaintiffs as to CCI.

6. Subject to the foregoing general objections and to such additional specific objects as may be set forth in response to individual interrogatories, and without waiving any such objections, CCI makes the following answers to Plaintiffs' Discovery Requests to this Defendant.

#### **SPECIFIC RESPONSES AND OBJECTIONS**

Subject to, and without waiving, the foregoing General Objections, CCI sets forth below its specific responses and objections to the Discovery Requests.

1. **Please produce the design specifications for the hand cable in question that was involved with the injury of the Plaintiff.**

**RESPONSE:** See safety cable drawing #100340 previously produced in response to Plaintiff's First Set of Interrogatories and Request for Production of Documents.

2. **Please give the name, address and telephone number of person or persons who designed the hand cable that is in question in the instant lawsuit.**

**RESPONSE:** CCI did not design the hand cable in question; Hanes Supply, Inc. did. This Defendant does not know the exact person at Hanes Supply, Inc. who designed the hand cable.

3. Please provide the specifications for the hand cable that were changed in approximately 1999.

**RESPONSE:** Unknown to this Defendant.

4. Were ANSI, ASME, UL, or SAE safety standards used in the design of this hand cable. If so, what are the specific safety standards that were used in the design of the hand cable.

**RESPONSE:** Unknown to this Defendant. Upon information and belief, Defendant Hanes Supply, Inc. has the requested information.

5. Were any other safety standards used in the hand cable design? If so, state specifically the other safety standards that were used in the hand cable design.

**RESPONSE:** See response to Request Nos. 2 and 4.

6. Please describe in detail the testing that was done on the hand cable subject to the instant case.

**RESPONSE:** This Defendant did not conduct testing of the hand cable that was supplied by Hanes Supply, Inc., but instead relied on the rating requested for such cable: 7,000 lbs. minimum breaking strength. This Defendant did, however, conduct testing of the handrail post when such handrails were first developed in 1994. ✓

7. Was a risk analysis performed on the design of the hand cable which is the subject of this litigation.

**RESPONSE:** Unknown to this Defendant at the present time. See response to Request No. 6.

**8. Was a preliminary hazard analysis conducted on the design of the hand cable which is the subject of this litigation.**

**RESPONSE:** See responses to Request Nos. 6 and 7.

**9. At any time prior to the date on which Plaintiff was injured, was a recall or similar campaign initiated with regard to this particular hand cable? If so, please state the exact date on which the recall or similar campaign was initiated, the reasons for the recall or similar campaign was specific modifications specifically recommended for this hand cable.**

**RESPONSE:** None known to this Defendant.

**10. Are there currently any lawsuits pending as a result of similar type of action involving this hand cable? If the answer to the foregoing is "yes," please state the number of lawsuits currently pending and include the total number of lawsuits which have been settled.**

**RESPONSE:** None known to this Defendant.

**CERTIFICATION**

I, \_\_\_\_\_, of Commercial Carriers, Inc., hereby state that the above Answers and Objections of Defendant Commercial Carriers, Inc. to Plaintiffs' First Set of Interrogatories and Request for Production of Documents are true and accurate to the best of my knowledge.

COMMERCIAL CARRIERS, INC.

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

AS TO OBJECTIONS:

KOHNNEN & PATTON, LLP

OF COUNSEL:

David E. Larson, Esq.  
Larson & Larson, PC  
11300 Tomahawk Creek Parkway  
Suite 310  
Leawood, Kansas 66211

  
K. Roger Schoeni, Esq. (0004812)  
Trial Counsel for Defendant Commercial  
Carriers, Inc.  
Kohnen & Patton, LLP  
1400 Carew Tower, 441 Vine Street  
Cincinnati, Ohio 45202  
Phone: (513) 381-0656

**CERTIFICATE OF SERVICE**

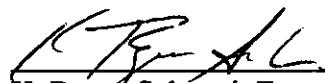
I hereby certify that a copy of the foregoing was sent via U.S. Mail this 23, day of December, 2002 to the following:

Thomas R. Koustmer, Esq.  
1800 Federated Building  
7 West Seventh Street  
Cincinnati, Ohio 45202

Robert A. Winter, Jr.  
250 Grandview Drive, Suite 200  
Fort Mitchell, Ky 41017

Michael J. Honerlaw, Esq.  
9227 Winton Road  
Cincinnati, Ohio 45231

Craig R. Paulus, Esq.  
425 Walnut Street, Suite 1800  
Cincinnati, Ohio 45202-3957

  
K. Roger Schoeni, Esq.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DISTRICT

DAVID FERGUSON, et al. )  
Plaintiffs, )  
vs. ) Case No: C-1-02-039  
RYDER AUTOMOTIVE, et al., ) Judge Herman Weber  
Defendants. )

**ANSWERS AND OBJECTIONS OF DEFENDANTS**  
**ALLIED SYSTEMS, INC. AND ALLIED AUTOMOTIVE GROUP**  
**TO PLAINTIFF'S MOST RECENT SET OF INTERROGATORIES**  
**AND REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendants Allied Systems, Inc. and Allied Automotive Group (together, the “defendants”), and make the following answers and objections to Plaintiffs’ most recent set of interrogatories and request for production of documents to defendants.

**GENERAL OBJECTIONS**

1. Defendants object to any attempt to make their answers, responses and objections to these Discovery Requests continuing in nature. Defendants acknowledge their obligation to supplement their answers, responses and objections to the Discovery Requests in accordance with Fed. R. Civ. P. 26(e) or as otherwise ordered by the Court.
2. Defendants will provide no information and produce no documents that are within the attorney/client privilege, work product doctrine or other privilege.
3. Defendants object generally to these Discovery Requests to the extent they require them to provide lengthy explanations that can be explored through depositions.

- 1. Please send all reports, documents and/or any material in your possession on an injury to a Thomas Fay for the years 1998, 1999, 2000, 2001.**

ANSWER: Objection. This request for production seeks documents protected from disclosure by the attorney-client privilege and the work-product doctrine. Defendants further object to producing any medical records and reports with regard to Mr. Thomas Fay, a non-party to this action, due to their confidential nature and in the absence of an appropriate protective order and notice to Mr. Fay. Subject to, and without waiving the foregoing objection, see injury reports for injuries occurring on 03/20/1998 (one page) and 08/08/2000 (two pages) attached hereto.

- 2. Please provide any documents, reports or injuries to a Roy Thornton for the years 1998, 1999, 2000, 2001.**

ANSWER: Objection. This request for production seeks documents protected from disclosure by the attorney-client privilege and the work-product doctrine. Subject to and without waiving the foregoing objection, no responsive documents have been located.

- 3. Produce all Marion Safety Committee Meeting Minutes or other material of the Safety Committee Meetings for the years 1998, 1999, 2000, 2001.**

ANSWER: Defendants are continuing their review of their files, books and records for the requested documents. They will be produced as soon as they are located.

- 4. Produce all Marion Safety Committee Meeting Minutes sent to Decatur for the years 1998, 1999, 2000, 2001.**

ANSWER: Defendants are continuing their review of their files, books and records for the requested documents. They will be produced as soon as they are located.

- 5. Please state who ordered the replacement of the cables at Marion and Moraine. Please give name, current address and telephone number.**

ANSWER: The decision to replace safety cables on certain units at the Marian and Moraine terminals was made by Robert Ferrell, Senior Vice President of Fleet Maintenance and Procurement, Allied Automotive Group, Inc., 160 Clairemont Avenue, Decatur, Georgia.

6. **Please state how many trucks were at Marion for the years 1999, 2000 and 2001.**

ANSWER:    1999                97 trucks;  
                  2000                61 trucks; and  
                  2001                19 trucks.

**VERIFICATION**

STATE OF OHIO )  
                  ) SS:  
COUNTY OF \_\_\_\_\_ )

Michael Palladino, the undersigned, being first duly sworn, on oath deposes and says that he is an Operations Supervisor of Allied Systems, Ltd., a Georgia limited partnership; that he has read the foregoing answers to interrogatories nos. 5 and 6 (together, the "Answers") by him subscribed and knows the contents thereof; that said answers were prepared with the assistance and advice of counsel and the assistance of representatives of the limited partnership upon which he has relied; that the answers set forth herein, subject to inadvertent or undiscovered errors, are based upon and, therefore, necessarily limited by the records and information still in existence, presently recollected and thus far discovered in the course of the preparation of these answers; that consequently Allied Systems, Ltd. and Allied Automotive Group, Inc. reserve the right to make any changes in the Answers if it appears at any time that omissions or errors have been made therein or that more accurate information is available; and that subject to the limitations set forth herein, the said Answers are true to the best of his knowledge, information and belief.

---

Michael Palladino  
Operations Supervisor  
Allied Systems, Ltd.  
P.O. Box 490160  
Dayton, OH 45449

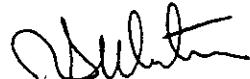
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 2003.

---

Notary Public

My commission expires: \_\_\_\_\_

All objections to the Discovery Requests are interposed by the undersigned counsel for defendants Allied Systems, Ltd. and Allied Automotive Group, Inc.



Robert A. Winter, Jr. (0038673)  
250 Grandview Drive, Suite 200  
Ft. Mitchell, KY 41017  
(859) 344-1188  
(859) 578-3869 (fax)  
Trial attorney for defendants  
Allied Systems, Ltd. and  
Allied Automotive Group, Inc.

OF COUNSEL:

Hemmer Spoor Pangburn DeFrank PLLC  
250 Grandview Drive, Suite 200  
Ft. Mitchell, KY 41017  
(859) 344-1188  
(859) 578-3869 (fax)

**CERTIFICATE OF SERVICE**

I certify that true and correct copies of the foregoing were served by depositing the same into the United States Mails, first class, postage prepaid, on this 17 day of January 2003, to:

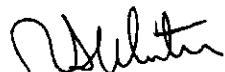
Thomas R. Koustmer, Esq.  
1800 Federated Building  
7 West Seventh Street  
Cincinnati, Ohio 45202  
Attorney for Plaintiffs, David and Martha Ferguson

Michael J. Honerlaw, Esq.  
Honerlaw and Honerlaw Co., L.P.A.  
9227 Winton Road  
Cincinnati, Ohio 45231  
Attorney for Plaintiffs, David and Martha Ferguson

K. Roger Schoeni, Esq.  
Kohnen & Patton  
441 Vine Street, Suite 1400  
Cincinnati, Ohio 45202  
Attorney for Defendants, Ryder System, Inc. and Commercial Carriers, Inc.

David E. Larson, Esq.  
Larson & Larson, P.C.  
11300 Tomahawk Creek Pkwy, Suite 310  
Leawood, KS 66211  
Attorney for Defendants, Ryder System, Inc. and Commercial Carriers, Inc.

Craig R. Paulus, Esq.  
Taft, Stettinius & Hollister LLP  
425 Walnut Street, Suite 1800  
Cincinnati, Ohio 45202-3957  
Attorney for Defendant Hanes Supply, Inc.



---

Robert A. Winter, Jr.

S:\raw\allied\ferguson\pleadings\allied answers to pts 3<sup>rd</sup> set of irogs and rtp.doc

AAG

CLM#112 NUMBER  
WASHED IN CARBON

## Supervisor's First Report of Injury

NOTE: This report should be completed and the information reported  
within 24 hours of the injury.

CR FILE NO. \_\_\_\_\_

COMPANY NAME <b>CCI</b>	LOC CODE <b>97</b>	LOCATION NAME <b>MARION</b>	EMPLOYEE NAME <b>Thomas Fay</b>	OCCUPATION <b>Driver</b>
HOME ADDRESS - STREET <b>807 Considine Ave</b>		CITY <b>Cinci</b>	STATE <b>OH</b>	ZIP CODE <b>45205</b>
HOME PHONE NUMBER <b>513-251-0180</b>	SOCIAL SECURITY NUMBER	SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	DATE OF BIRTH <b>4-19-44</b>	
DATE OF INJURY <b>3-20-98</b>	TIME OF INJURY <b>5</b> AM <input checked="" type="checkbox"/>	DATE INJURY REPORTED <b>3-20-98</b>	DATE OF FIRST MEDICAL TREATMENT <b>3-20-98</b>	
LOCATION WHERE INJURY OCCURRED (CITY & STATE) <b>MARION, OH.</b>			DATE OF DEATH (IF FATAL) _____	
HIRE DATE <b>6-28-82</b>	EMPLOYEE NUMBER <b>63821</b>	TRACTOR/TRAILER NUMBER <b>61319/71319</b>	NUMBER OF DEPENDENTS _____	
<p>HOW DID INJURY OCCUR?</p> <p>Driver was standing on head edge of #8 deck - heading up to get a chain to chain front to # 2 Vehicle. Driver slipped on metal deck and when he tried to readjust footing he stepped in between the 2 decks. Under these were no surface. As he started to fall he grabbed the chain from the #2 deck with his right Right Shoulder and Arm</p>				
WITNESS NAME <b>Donnie Cole</b>	PHONE NUMBER <b>FLT. Driver</b>			PHONE NUMBER _____
WITNESS ADDRESS - STREET _____	CITY _____			STATE ZIP CODE _____
DO EMPLOYEE RECEIVE ANY MEDICAL TREATMENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, NAME OF DOCTOR/MEDICAL FACILITY <b>MARION GENERAL</b>			PHONE NUMBER _____
ADDRESS - STREET _____	CITY <b>MARION, Ohio</b>			STATE ZIP CODE _____
DO EMPLOYEE WORK? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, DATE EMPLOYEE IS EXPECTED TO RETURN TO WORK <b>Unknown</b>			LAST DAY WORKED <b>3-20-98</b>
PRINT NAME OF INDIVIDUAL COMPLETING THIS REPORT <b>E. Diane Baiaed</b>			TITLE <b>Asst. Supervisor</b>	
			DATE _____	TERMINAL PHONE NUMBER _____

TULIED AUTOMOTIVE

1572953308

JG/JG 10-16-02 10:50 AM 2003

## Supervisor's First Report of Injury

NOTE: This report should be completed and the information reported within 24 hours of the injury.

OII FILE NO. 97W0008026

COMPANY NAME AAG	LOC CODE 73	LOCATION NAME MORAIN E	EMPLOYEE NAME THOMAS M. FAY	OCCUPATION DRIVER
HOME ADDRESS - STREET 807 Consolida Ave			CITY Cincinnati	STATE ZIP CODE OH 45205
HOME PHONE NUMBER 573/251-0180	SOCIAL SECURITY NUMBER	SEX <input checked="" type="checkbox"/> MALE	<input type="checkbox"/> FEMALE	DATE OF BIRTH 2/19/1944
DATE OF INJURY 8-8-00	TIME OF INJURY 1500 CDT 6PM	DATE INJURY REPORTED 8-8-00	DATE OF FIRST MEDICAL TREATMENT 8-8-00	
LOCATION WHERE INJURY OCCURRED (CITY & STATE) 32 SPRINGBIRD PKWY MORAIN E OHIO			DATE OF DEATH (IF FATAL) N/A	
HIRE DATE 6/28/83	EMPLOYEE NUMBER 63821	TRACTOR TRAILER NUMBER 61268-71268	NUMBER OF DEPENDENTS	
HOW DID INJURY OCCUR? LOWER SAFETY CABLE ON RIGHT SIDE OF HEAD RACK BROKE AS DRIVER WAS HOOKING CHAIN ON UNIT. I am headroom. Driver was leaning on safety cable while chaining unit, cable broke & I fell from the headroom to the block topped driveway, approx 8 to 9 foot.				
DESCRIBE INJURY Fell on back, shoulders, but tire posterior possibly head. All happened so fast, not certain all that was hit on way down, I was taken to hospital by ambulance.				
WITNESS NAME NONE		PHONE NUMBER		
WITNESS ADDRESS - STREET		CITY	STATE ZIP CODE	
DID EMPLOYEE RECEIVE ANY MEDICAL TREATMENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, NAME OF DOCTOR/MEDICAL FACILITY Kettering Medical Center			PHONE NUMBER
ADDRESS - STREET		CITY	STATE ZIP CODE	
DID EMPLOYEE LOSS WORK? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, DATE EMPLOYEE IS EXPECTED TO RETURN TO WORK			LAST DAY WORKED 8-8-00
PRINT NAME OF INDIVIDUAL COMPLETING THIS REPORT MICHAEL K. McCONNELL		TITLE OPS. SUPER		
SIGNATURE Michael K. McConnell		DATE 8-8-00	TERMINAL PHONE NUMBER 1-800-452-7314	

**Employee Statement of Accident/Injury  
(Workers' Compensation Claims Only)**

EMPLOYEE NAME		SOCIAL SECURITY NUMBER	
Thomas M. Fay			
DATE OF ACCIDENT/INJURY	TIME OF ACCIDENT/INJURY	DISTRICT/COMPANY NAME	LOCATION CODE
8/8/00	Afternoon 3:00 Pm	ANL	73
DESCRIBE IN YOUR OWN WORDS, WHAT YOU WERE DOING AT THE TIME OF THE INCIDENT AND WHAT HAPPENED.			
<p>I was leading my truck, chaining down #1 Unit on head ramp. Leaned on the safety cable for balance while chaining. Cable snapped + I went flying off the head ramp to the blacktopped driveway, approximately 8 to 9 feet below.</p>			
WHAT PART(S) OF YOUR BODY WERE INVOLVED AND HOW?			
<p>All parts that came in sudden contact w/the ground - neck, head, right shoulder, left shoulder, lower back, upper back.</p>			
LOCATION OF INCIDENT (CITY/STATE)		LAST DAY WORKED (IF APPLICABLE)	
Mansfield, OH		8/8/00	
WERE THERE ANY WITNESSES?			
<input type="checkbox"/> YES      Not certain			
WITNESS NAME		PHONE NUMBER	
WITNESS ADDRESS - STREET		CITY	STATE
ZIP CODE			
WEATHER		SHOE TYPE	
Dry & sunny		High side work boots	
GLOVES	<input checked="" type="checkbox"/> NO	SAFETY GLASSES	<input checked="" type="checkbox"/> NO
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> YES	BUMP HAT	<input checked="" type="checkbox"/> NO
		BACK SUPPORT	<input checked="" type="checkbox"/> NO
		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

Fay T.M.

Employee Signature

8/8/00

Date

3/02 14:48 FAX 4046875871

ALLIED FLEET MNT

003

3/02 FRI 11:55 FAX 770 602 4288

SYCAMORE PARTS AND LOGIS -&gt; DON GREGORY

002

**HARROW  
CO., INC.**NO MATERIAL TO BE RETURNED  
WITHOUT PRIOR AUTHORIZATION625 PIERCE BUTLER ROUTE  
ST. PAUL, MINNESOTA 55104  
(651) 489-1941 • FAX: (651) 489-1534  
80C-585-8821**INVOIC**SYCAMORE PARTS & LOGISTICS INC  
370 GEES MILL BUSINESS PARKWAY  
Conyers GA 30013

PLEASE USE OUR INVOICE NUMBER ON YOUR CHECK

INVOICE NUMBER	INVOICE DATE
1132901-IN	11/15/00

SHIP TO

ALLIED SYSTEMS  
3200 SPRINGBORO PIKE  
MORIANE

OH 45439

0081582	10/12/00	SY0001	8173A35	11/15/00
UPS	GT 8011		1 1/2 DAYS NET 30	

1SPSS025031 EACH 26 26 0 \$4.200 1,409.20  
 1/4"-5/16" NYLON COATED STAINLESS STEEL WITH  
 STAINLESS STEEL THREADED STUD EACH END. ( 3" OF  
 THREAD)  
 FINISHED LENGTH: 10 FEET 10.00 INCHES

11/20  
**INVOICED**

NET INVOICE: 1,409.20  
 FREIGHT: 18.10  
 STATE SALES TX: .00  
 LOCAL SALES TX: .00

30 DAYS NET

1% PER MONTH ON PAST DUE BALANCE.

This order is subject to the terms and conditions on the reverse side hereof, including the provisions limiting warranties, seller's liability and collection costs.

CUSTOMER

**THANK YOU!**

TOTAL 1,427.30

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

**DAVID FERGUSON, ET AL.**

**Plaintiff**

v.

**RYDER SYSTEM, INC., ET AL.**

**Defendants**

**Case No. C-1-02-039**

**Judge Herman Weber**

**THE ALLIED DEFENDANTS'  
ANSWERS AND OBJECTIONS  
TO DEFENDANT HANES  
SUPPLY, INC.'S SECOND SET  
OF INTERROGATORIES**

Defendants Allied Systems, Ltd. and Allied Automotive Group, Inc. (together, the "defendants"), for their answers and objections to the *Second Set of Interrogatories Propounded by Defendant Hanes Supply, Inc. upon Allied Systems, Inc. and Allied Automotive Group [sic]*, (the "Discovery Request"), state as follows:

All objections set forth within defendants' answers and objections to defendant Hanes Supply, Inc. first set of discovery requests are incorporated herein by reference, the same as if repeated verbatim.

**INTERROGATORY NO. 9**

How many trucks that used 123-125" hand cables remained at the Marion terminal on August 11, 2000?

**ANSWER:** Defendants do not have sufficient knowledge or information to form a response with regard to stating with any degree of certainty the number of trucks that used 123-125" hand cables remained at the Marion terminal on August 11, 2000.

VERIFICATION

STATE OF OHIO )  
                    )  
                    ) SS:  
COUNTY OF MONTGOMERY )

Michael Palladino, the undersigned, being first duly sworn, on oath deposes and says that he is an Operations Supervisor of Allied Systems, Ltd., a Georgia limited partnership; that he has read the foregoing answer to interrogatories no. 9 (together, the "Answer") by him subscribed and knows the contents thereof; that said answer was prepared with the assistance and advice of counsel and the assistance of representatives of the Allied Defendants upon which he has relied; that the answer set forth herein, subject to inadvertent or undiscovered errors, is based upon and, therefore, necessarily limited by the records and information still in existence, presently recollected and thus far discovered in the course of the preparation of these answers; that consequently the Allied Defendants reserve the right to make any changes in the Answer if it appears at any time that omissions or errors have been made therein or that more accurate information is available; and that subject to the limitations set forth herein, the said Answer is true to the best of his knowledge, information and belief.

Mike Palladino  
Michael Palladino  
Operations Supervisor  
Allied Systems, Ltd.  
P.O. Box 490160  
Dayton, OH 45449

Subscribed and sworn to before me this 15<sup>TH</sup> day of APRIL 2003.

Sheri J. Taylor  
Notary Public

My commission expires: MARCH 29, 2004      SHERI J. TAYLOR, Notary Public

In and for the State of Ohio  
My Commission Expires March 29, 2004

All objections to the Discovery Request are interposed by the undersigned counsel for defendants Allied Systems, Ltd. and Allied Automotive Group, Inc.

Respectfully submitted,



---

Robert A. Winter, Jr. (0038673)  
250 Grandview Drive, Suite 200  
Ft. Mitchell, KY 41017  
(859) 344-1188  
(859) 578-3869 (fax)

Trial attorney for defendants  
Allied Systems, Ltd. and  
Allied Automotive Group, Inc.

OF COUNSEL:

Hemmer Spoor Pangburn DeFrank PLLC  
250 Grandview Drive, Suite 200  
Ft. Mitchell, KY 41017  
(859) 344-1188  
(859) 578-3869 (fax)

**CERTIFICATE OF SERVICE**

I certify that true and correct copies of the foregoing were served by depositing the same into the United States Mails, first class postage prepaid, on this 16 day of April 2003, to:

Thomas R. Koustmer, Esq.  
1800 Federated Building  
7 West Seventh Street  
Cincinnati, OH 45202

Michael J. Honerlaw, Esq.  
Honerlaw and Honerlaw Co., L.P.A.  
9227 Winton Road  
Cincinnati, OH 45231

K. Roger Schoeni, Esq.  
Kohnen & Patton LLP  
1400 Carew Tower  
Cincinnati, OH 45202

David E. Larson, Esq.  
Larson & Larson PC  
11300 Tomahawk Creek Parkway  
Suite 310  
Leewood, KS 66211

Craig R. Paulus, Esq.  
Taft Stettinius & Hollister LLP  
425 Walnut Street, Suite 1800  
Cincinnati, OH 45202



Robert A. Winter, Jr.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DISTRICT

DAVID FERGUSON, et al.

)

Plaintiffs,

)

vs.

)

RYDER AUTOMOTIVE, et al.,

)

Case No: C-1-02-039  
Judge Herman Weber

Defendants.

)

ANSWERS AND OBJECTIONS OF DEFENDANTS ALLIED  
SYSTEMS, LTD. AND ALLIED AUTOMOTIVE GROUP, INC. TO  
PLAINTIFF'S MOST RECENT SET OF INTERROGATORIES  
AND REQUEST FOR PRODUCTION OF DOCUMENTS

COME NOW defendants Allied Systems, Inc. and Allied Automotive Group (together, the "Allied Defendants"), and make the following answers and objections to Plaintiffs' most recent set of interrogatories and request for production of documents propounded to them (the "Discovery Requests").

1. The Allied Defendants object to any attempt to make their answers, responses and objections to these Discovery Requests continuing in nature. The Allied Defendants acknowledge their obligation to supplement their answers, responses and objections to the Discovery Requests in accordance with Fed. R. Civ. P. 26(e) or as otherwise ordered by the Court.

2. The Allied Defendants will provide no information and produce no documents that are within the attorney/client privilege, work product doctrine or other privilege.

3. The Allied Defendants object to the Discovery Requests to the extent they may be required to provide lengthy explanations that can be explored through depositions.

- 1. Please produce an example of the current design being used at this time for the cables that are subject to the current lawsuit.**

ANSWER: With respect to equipment owned by Allied Systems, Ltd., the design of the cables at issue has not changed; however, the material used in the cable has changed -- to stainless steel.

- 2. Please provide the current design drawings for the cables currently being used.**

ANSWER: The Allied Defendants possess no responsive documents.

- 3. Please state what type of material was used in the cable that was broken that is the subject of this lawsuit.**

ANSWER: Galvanized steel.

- 4. Please state what material is currently being used in the replacement cables on the trucks.**

ANSWER: Stainless steel.

- 5. Please produce a copy of the Owner's Manual for the truck and trailer in question.**

ANSWER: The requested document is not in the Allied Defendants' possession, at least with respect to such a document for the equipment at issue, the trailer and headramp (as opposed to the tractor or power unit that was not manufactured by CCI).

- 6. Please produce a copy of the Maintenance Manual for the truck and trailer in question.**

ANSWER: The Allied Defendants possess no responsive documents.

- 7. Please state where the replacement cables were obtained.**

ANSWER: Cables purchased as replacements for Allied equipment were purchased from Gill Transportation Services, Inc., which is affiliated with Sycamore Parts & Logistics.

- 8. Please state from whom Allied obtained the replacement cables.**

ANSWER: See response to Interrogatory no. 7.

**9. Please provide the schedule of the replacement cables.**

ANSWER: Objection. This interrogatory is vague and ambiguous and the Allied Defendants cannot meaningfully respond.

**10. Please produce a copy of all orders of all replacement cables.**

ANSWER: Objection. This request to produce is overly broad, unduly burdensome, vague and ambiguous. Subject to and without waiving said objections, the Allied Defendants state that copies of documents representing purchases of replacement cables for CCI equipment containing safety cables are attached hereto, bearing Bates stamp nos. F001- F0130.

**11. Please produce the number of trucks that needed the replacement cables.**

ANSWER: The Allied Defendants object to the form of this request for production. In order to be responsive to this request, the Allied Defendants produce an internal report showing all units that received replacement cables during the period from January 1, 1997, to February 24, 2003, bearing Bates stamp nos. F0131 – F0143.

**12. Please produce all orders for replacement cables of any kind from the year 1995 to present.**

ANSWER: Objection. This request is overly broad and unduly burdensome. Subject to and without waiving said objections, the Allied Defendants state that they do not possess records for any orders for replacement cables from 1995 to the last quarter of 1997, as the CCI equipment at issue was not owned by Allied Systems, Ltd. during that period. For the time period of late 1997 to the present, the Allied Defendants state that the report produced bearing Bates stamp nos. F0131- F0143 provides a record of cable replacement. The documents produced bearing Bates stamp nos. F001-F0130 are the orders placed for replacement cables from approximately February 1999 to February 2001.

**VERIFICATION**

STATE OF OHIO )  
                  ) SS:  
COUNTY OF \_\_\_\_\_ )

Michael Palladino, the undersigned, being first duly sworn, on oath deposes and says that he is an Operations Supervisor of Allied Systems, Ltd., a Georgia limited partnership; that he has read the foregoing answers to interrogatories nos. 3, 4, 7 and 8 (together, the "Answers") by him subscribed and knows the contents thereof; that said answers were prepared with the assistance and advice of counsel and the assistance of representatives of the limited partnership upon which he has relied; that the answers set forth herein, subject to inadvertent or undiscovered errors, are based upon and, therefore, necessarily limited by the records and information still in existence, presently recollected and thus far discovered in the course of the preparation of these answers; that consequently Allied Systems, Ltd. and Allied Automotive Group, Inc. reserve the right to make any changes in the Answers if it appears at any time that omissions or errors have been made therein or that more accurate information is available; and that subject to the limitations set forth herein, the said Answers are true to the best of his knowledge, information and belief.

---

Michael Palladino  
Operations Supervisor  
Allied Systems, Ltd.  
P.O. Box 490160  
Dayton, OH 45449

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 2003.

---

Notary Public

My commission expires: \_\_\_\_\_

All objections to the Discovery Requests are interposed by the undersigned counsel for defendants Allied Systems, Ltd. and Allied Automotive Group, Inc.



---

Robert A. Winter, Jr. (0038673)  
250 Grandview Drive, Suite 200  
Ft. Mitchell, KY 41017  
(859) 344-1188  
(859) 578-3869 (fax)  
Trial attorney for defendants  
Allied Systems, Ltd. and  
Allied Automotive Group, Inc.

**OF COUNSEL:**

Hemmer Spoor Pangburn DeFrank PLLC  
250 Grandview Drive, Suite 200  
Ft. Mitchell, KY 41017  
(859) 344-1188  
(859) 578-3869 (fax)

**CERTIFICATE OF SERVICE**

I certify that true and correct copies of the foregoing were served by depositing the same into the United States Mails, first class, postage prepaid, on this 25<sup>th</sup> day of February 2003, to:

Thomas R. Koustmer, Esq.  
1800 Federated Building  
7 West Seventh Street  
Cincinnati, Ohio 45202

Michael J. Honerlaw, Esq.  
9227 Winton Road  
Cincinnati, Ohio 45231

K. Roger Schoeni, Esq.  
441 Vine Street, Suite 1400  
Cincinnati, Ohio 45202

David E. Larson, Esq.  
11300 Tomahawk Creek Pkwy, Suite 310  
Leewood, KS 66211

Craig R. Paulus, Esq.  
425 Walnut Street, Suite 1800  
Cincinnati, Ohio 45202-3957



---

Robert A. Winter, Jr.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

David Ferguson, et al. : File No. C-1-02-039  
Plaintiffs, : Judge Herman Weber  
vs. : DEFENDANT HANES SUPPLY, INC'S  
Ryder Automotive Carrier Services, Inc., : ANSWERS AND OBJECTIONS TO  
et al. : PLAINTIFFS' THIRD SET OF  
INTERROGATORIES AND REQUESTS  
Defendants, : FOR THE PRODUCTION OF  
DOCUMENTS

\* \* \* \* \*

Defendant, Hanes Supply, Inc. ("Hanes Supply") provides the following Answers and Objections to Plaintiffs' Third Set of Interrogatories and Requests for Production of Documents.

GENERAL OBJECTIONS AND PRELIMINARY STATEMENTS

The General Objections and Preliminary Statements contained in Hanes Supply's Answers and Objections to Plaintiffs' First Set of Interrogatories are hereby incorporated by reference.

INTERROGATORIES AND DOCUMENTS REQUESTEDINTERROGATORY NO. 1

Please produce a catalog of all products for the year 1994 - 1995.

**ANSWER:**

See attached documents.

INTERROGATORY NO. 2

If you had received an order for safety cables either eye bolt design or stainless steel from Allied, Allied Holdings, Commercial Carriers or Allied parts in January or February, 1999 for 10,000 cables, could you have provided same?

**ANSWER:**

Hanes Supply objects to this Interrogatory on the grounds that it is not relevant to the subject matter involved in the pending action. Without waiving this objection, yes.

INTERROGATORY NO. 3

If the answer to No. 2 is yes, in what period of time would they have been provided?

**ANSWER:**

Hanes Supply objects to this Interrogatory on the grounds that it is not relevant to the subject matter of the pending action. Without waiving this objection, Hanes Supply can make 30 cables of the eye bolt design per hour, or 45 cables of the threaded stud design per hour. These figures are based on a 3 man team, which is Hanes Supply's typical work configuration, though

MAR-19-2003 WED 05:47 PM LAW FIRM

FAX NO. 5136215410

P. 04

additional teams could be added if production needs required it. Hanes Supply can fabricate cable assembling in galvanized or stainless steel at the same pace.

INTERROGATORY NO. 4

Approximately how many competitors were there in the United States with Hanes Supply Company to make the type of safety cables used by Commercial Carriers, Inc., Allied Holding, Inc., Allied Systems, Inc., and Allied parts during the years 1999 - 2000?

**ANSWER:**

Hanes Supply objects to this Interrogatory on the grounds that it is not relevant to the issues of the present action, and on the grounds that the Interrogatory is vague and ambiguous. Without waiving this objection, Hanes Supply believes there are well over 100 manufacturers in the United States alone.

INTERROGATORY NO. 5

Please produce all work for Allied Holdings, Inc., Commercial Carriers, Inc., or Allied Parts or similar name from 1994 - 2003.

**ANSWER:**

Hanes Supply objects to this Interrogatory on the grounds that it seeks information not relevant to the present action, it seeks confidential and proprietary information, it is vague, ambiguous, overly-broad, and unduly burdensome. Without waiving these objections, see documents previously produced.

INTERROGATORY NO. 6

If you received an order for eye bolt cables in January and February, 1999 for 4,000 cables, could you have provided same and in what period of time?

MAR-19-2003 WED 05:48 PM LAW FIRM

FAX NO. 5136215410

P. 05

**ANSWER:**

See response to Interrogatory No. 2 and 3.

As to all objections:

Craig R Paulus

Craig R. Paulus (88028)  
Taft, Sterninius & Hollister LLP  
425 Walnut Street, Suite 1800  
Cincinnati, OH 45202-3957  
513.381.2838  
fax 513.381.0205  
Trial Attorney for Defendant  
Hanes Supply, Inc.

VERIFICATION

I, William C. Hanes, hereby certify that the foregoing Interrogatory Answers are true and accurate to the best of my knowledge.

  
William C. Hanes

STATE OF New York  
COUNTY OF Erie

The foregoing instrument was subscribed and sworn to by William C. Hanes before me, a Notary Public in and for said County and State, this 10th day of March, 2003.

My subscription expires:

4/04/06

Diane Morris  
Notary Public

DIANE MORRIS  
Notary Public  
State of New York, Erie County  
Commission Expires April 4, 20 06

MAR-19-2003 WED 05:48 PM LAW FIRM

FAX NO. 5136215410

P. O 6

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing has been sent by first class mail to the following on this 19<sup>th</sup> day of March, 2003:

Thomas Ralph Koustmer  
1800 Federated Building  
7 West Seventh Street  
Cincinnati, OH 45202  
513.621.3616  
Attorney For Plaintiffs, David and Martha Ferguson

Michael J. Honerlaw  
Honerlaw and Honerlaw Co. L.P.A.  
9227 Winton Road  
Cincinnati, OH 45231  
Attorney For Plaintiffs, David and Martha Ferguson

Robert Albert Winter, Jr.  
Hemmer Spoor Pangburn DeFrank PLLC  
250 Grandview Drive  
Suite 200  
Ft. Mitchell, KY 41017  
859.344.1188  
Attorney For Defendants, Allied Systems and Allied Automotive Group

Kenneth Roger Schoenri  
Kohnen & Patton  
441 Vinc Street  
Suite 1400  
Cincinnati, OH 45202  
513.381.0656  
Attorney For Defendants, Ryder Automotive Carrier Services, Inc.; Ryder System Inc.; Delavan Industries, Inc.; Ryder Automotive Operations, Inc.; Ryder Automotive Carrier Group, Inc.; and Commercial Carriers, Inc.

David E. Larson  
Larson & Larson PC  
11300 Tomahawk Creek Parkway  
Suite 310  
Leawood, KS 66211  
Attorney for Defendants, Ryder Automotive Carrier Services, Inc.; Ryder System Inc.; Delavan Industries, Inc.; Ryder Automotive Operations, Inc.; Ryder Automotive Carrier Group, Inc.; and Commercial Carriers, Inc.



## HEMMER SPOOR PANGBURN DEFRAK PLLC

SUITE 200  
250 GRANDVIEW DRIVE  
FT. MITCHELL, KENTUCKY 41017  
(859) 344-1188  
Fax: (859) 578-3869

CINCINNATI, OHIO OFFICE  
SUITE 624  
8044 MONTGOMERY ROAD  
CINCINNATI, OHIO 45236  
(513) 794-1188  
FAX: (513) 936-3746

July 16, 2003

Thomas R. Koustmer, Esq.  
1800 Federated Building  
7 West Seventh Street  
Cincinnati, OH 45202

K. Roger Schoeni, Esq.  
Kohnen & Patton LLP  
PNC Center, Suite 800  
201 East Fifth Street  
Cincinnati, OH 45202

David E. Larson, Esq.  
Larson & Larson PC  
11300 Tomahawk Creek Parkway  
Suite 310  
Leawood, KS 66211

Michael J. Honerlaw  
Honerlaw and Honerlaw Co., L.P.A.  
9227 Winton Road  
Cincinnati, OH 45231

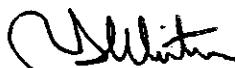
Craig R. Paulus, Esq.  
Taft, Stettinius & Hollister LLP  
1800 U.S. Bank Tower  
425 Walnut Street  
Cincinnati, OH 456202-3957

Re: Ferguson v. Ryder Automotive Carrier Services, Inc., et al.  
United States District Court, Southern District of Ohio  
Civil Action No. C-1-02-039

Dear Gentlemen:

We enclose the maintenance history on the truck from which the cables were recently produced. Please call if you have any questions.

Very truly yours,



Robert A. Winter, Jr.

RAW/bld  
Enclosure

s:\dma\allied\ferguson\correspondence\all attorney letter 13.wpd